

# **EXHIBIT 4**

# Wisconsin DOJ Division of Criminal Investigation

## ACISS Investigative Report

Report Number: DCIR13280/26

Report Date:

### Primary Information

Report Number: DCIR13280/26  
Type Of Report: Investigative  
Description: dci2 re safe docs  
Approval Status: Approved  
Approved Date: 04/12/2004  
Approved By: Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)

### Narrative

CASE ACTIVITY REPORT Wisconsin Department of Justice  
DJ-DCI-2 (Rev. 8/91) DIVISION OF CRIMINAL INVESTIGATION

1. Case Number

GC-13280

2. Date

09/30/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Records Examination: Safe Documents

5. Date of Activity

09/30/2003

6.

On Monday, September 22, 2003, S/A ~~Debra K. Strauss~~ met with Manitowoc County Sheriff Kenneth J. Petersen. During this meeting, S/A Strauss told Sheriff Petersen the Attorney General's office has been asked to review the events which occurred between the PENNY BEERNTSEN assault on 07/29/1985 through the STEVEN AVERY prosecution. S/A Strauss assured Sheriff Petersen the Attorney General's office was not going to re-investigate the crime.

S/A Strauss asked Sheriff Petersen for a copy of the Manitowoc County Sheriff's Department case file regarding the assault and subsequent investigation. Sheriff Petersen went to his safe because that is where he thought the entire case file was being kept. Sheriff Petersen pulled out a small stack of documents regarding AVERY.

Sheriff Petersen then went to a second location and obtained the entire case file regarding the assault and conviction.

Sheriff Petersen said he would be willing to provide S/A Strauss with a copy of the documents in the safe, but Sheriff Petersen would need time to have the case file copied. Sheriff Petersen would not release the case file to S/A Strauss because it is a policy of the sheriff's department that the case files need to stay in-house.

The following is a list of the documents which were being maintained in a safe in the office of Sheriff Petersen:

The first document examined by S/A Strauss was an affidavit of MICHAEL ERNEST LUCERO. This affidavit is dated 06/14/2000. As part of the affidavit, LUCERO states that while he was an inmate at the Green Bay Correctional Institution, he met STEVE AVERY. During one of LUCERO's conversations with AVERY, AVERY admits to raping a woman on a beach in Manitowoc.

*Talk with any AG about this meeting?*

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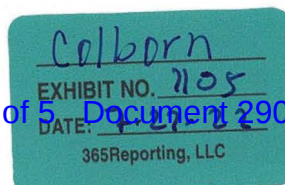
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CONFIDENTIAL

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# Wisconsin DOJ Division of Criminal Investigation

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### Narrative - Continued

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The next document examined by S/A Strauss was a statement of JAMES M. LENK. This statement is dated 09/12/2003. This statement was regarding a conversation Lieutenant LENK had with Sergeant COLBORN regarding a phone call Sgt. COLBORN had received from Brown County. The person from Brown County was talking to Sgt. COLBORN because Brown County had a person in custody, who stated that a few years prior he committed an assault in Manitowoc County.

The third document examined by S/A Strauss was a one-page statement signed by Sergeant ANDREW L. COLBORN. This statement was prepared on 09/12/2003. According to this statement, in 1994 or 1995, Sgt. COLBORN was working as a corrections officer in the Manitowoc County Jail. While working as the corrections officer, Sgt. COLBORN received a call from a man who identified himself as a detective from outside the Manitowoc County area. The detective stated he had received information that a person in their custody had been commenting that he had committed an assault in Manitowoc County and someone else was in jail for it.

The next document examined by S/A Strauss is dated 09/12/2003. This document is a memo on Manitowoc County Sheriff's Department to all department personnel from Sheriff Kenneth Petersen. This memo states that employees shall make no comments concerning the STEVEN AVERY case. All news releases shall be issued by either Sheriff Petersen or Inspector Hermann.

Another document examined by S/A Strauss was a press release by Mark R. Rohrer, Manitowoc County District Attorney. This press release is regarding the release of STEVEN A. AVERY. This press release states that, according to DNA test results, GREGORY ALLEN had actually committed the sexual assault and attempted homicide, not STEVEN AVERY.

The final set of documents examined by S/A Strauss were master look-up files dated 09/10/2003 and 09/12/2003. The print-out, which was prepared on 09/10/2003, was regarding STEVEN A. AVERY, DOB 07/09/1962. The master look-files dated 09/12/2003 were regarding GREGORY A. ALLEN, DOB 01/17/1954.

A copy of the previously mentioned documents can be found in the main case file.

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### Record Status Information

Record Origination Operator:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Record Origination Date:	04/12/2004 14:13
Last Update Operator:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date:	04/12/2004 14:13

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# Wisconsin DOJ Division of Criminal Investigation

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Primary Information	
Report Number:	DCIR13280/27
Type Of Report:	Investigative
Description:	dci2 tele beerntsen
Approval Status:	Approved
Approved Date:	04/12/2004
Approved By:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)

Narrative	
CASE ACTIVITY REPORT Wisconsin Department of Justice DJ-DCI-2 (Rev. 8/91) DIVISION OF CRIMINAL INVESTIGATION	
1. Case Number	GC-13280
2. Date	09/25/2003
3. Case Title	STEVEN AVERY PROSECUTION
4. Activity	Telephone Contact: Beerntsen
5. Date of Activity	09/23/2003
6.	
On Tuesday, September 23, 2003, S/A Debra K. Strauss made telephone contact with:	
NAME:	PENELOPE BEERNTSEN (PENNY)
ADDRESS:	2211 Markham Street, Manitowoc, WI
DATE OF BIRTH:	02/08/1949
HOME TELEPHONE:	920-684-5274 (NON LISTED)
CELL TELEPHONE:	920-242-8066
WORK TELEPHONE:	920-684-9616
S/A Strauss made contact with BEERNTSEN because BEERNTSEN had previously contacted the Attorney General's office regarding some nuisance phone calls she had been receiving. BEERNTSEN stated she would like to speak with the special agents but her attorney, Janine Geske, 414-288-7877 would like to be present during the interview. BEERNTSEN stated Geske was out of State until Friday and BEERNTSEN wanted to know if Friday morning (September 26, 2003) would be acceptable for the special agents to meet with her. S/A Strauss told BEERNTSEN that would be fine and that BEERNTSEN should contact Geske to determine when and where the meeting should take place. (It was later determined this interview would take place on Friday, September 26, 2003 in Geske's office, 1103 W. Wisconsin Street, Milwaukee, WI. Geske's office is at the Marquette Law School.)	
During the phone conversation with BEERNTSEN, BEERNTSEN told S/A Strauss that after STEVEN AVERY had been sent to prison it was almost as if someone had been watching her house. Sometime during 1986 or 1987 the	

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### Narrative - Continued

BEERNTSENS began receiving obscene phone calls. BEERNTSEN told S/A Strauss these calls were of a sexual content, such as asking BEERNTSEN if "she gave blow jobs." BEERNTSEN said in hindsight, she is wondering if GREGORY ALLEN had been watching her house. BEERNTSEN said that within 5 minutes of BEERNTSEN returning home from work her phone would ring and it would be the caller with obscene messages.

BEERNTSEN stated she has recently been receiving telephone calls where no one says anything. The phone will ring and BEERNTSEN will answer it but the caller will not speak. All BEERNTSEN can hear is breathing on the other end of the line. BEERNTSEN stated she has received three of these calls on Saturday, September 20, 2003 and one on Monday, September 22, 2003.

BEERNTSEN told S/A Strauss that she has offered to meet with AVERY and that if AVERY agreed to a meeting, AVERY could contact BEERNTSEN through BEERNTSENS attorney. As of this date, AVERY has not accepted this offer and all BEERNTSEN has heard for a response is what BEERNTSEN is reading in the newspaper.

BEERNTSEN had no additional information and the telephone contact was terminated.

dmg: 10/02/2003

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Record Origination Date:	04/12/2004 14:13
Last Update Operator:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date:	04/12/2004 14:13

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